

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ASTELLAS US HOLDING, INC., and
ASTELLAS PHARMA US, INC.

Plaintiffs,

V.

STARR INDEMNITY AND LIABILITY
COMPANY, BEAZLEY INSURANCE
COMPANY, INC., and FEDERAL
INSURANCE COMPANY,

Defendants.

Case No.: 1:17-cv-08220

Honorable Manish S. Shah

**JOINT MOTION TO DISMISS ALL CLAIMS BETWEEN
PLAINTIFFS AND STARR INDEMNITY AND LIABILITY COMPANY**

Astellas US Holding, Inc. and Astellas Pharma US, Inc. (together, “Astellas”) and Starr Indemnity and Liability Company (“Starr”), through their undersigned counsel, hereby move this Court pursuant to Fed. R. Civ. P. 41(a)(2) to dismiss with prejudice all claims between and among them. In support thereof, the parties state as follows:

1. On January 17, 2020, Astellas and Starr entered into a Confidential Settlement and Release Agreement (the “Agreement”).
2. There are no unfulfilled settlement obligations under the Agreement.
3. The parties respectfully ask this Court to dismiss, with prejudice, all claims between them. This includes Astellas’s breach of contract claim against Starr as set out in the Second Amended Complaint (Doc. No. 77), and Starr’s counterclaim against Astellas as set out in the Amended Counterclaim (Doc. No. 80).
4. Each party agrees to bear its own attorneys’ fees and costs.

5. The parties are not seeking to have the Court retain jurisdiction over any future obligations owed under the Agreement (if any).

6. Allowing this dismissal will not cause the remaining defendants to suffer any legal prejudice.

WHEREFORE, the parties respectfully request that this Court dismiss with prejudice all claims between and among Astellas and Starr pursuant to Fed. R. Civ. P. 41(a)(2), and direct that all parties shall bear its own fees and costs.

Dated: February 20, 2020

/s/ Jeremy P. Cole

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Inc. and Astellas Pharma US, Inc.*

Respectfully submitted,

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*Counsel for Starr Indemnity and Liability
Company*

CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to all counsel of record.

/s/ Melissa Saldana

Melissa Saldana